

United States District Court
Eastern District of Michigan

United States of America,

Plaintiff,

Case No. 20-20433

v.

Hon. Arthur J. Tarnow

Samuel George Baker,

Defendant,

**Stipulation and Order to Continue the
Plea Cut-off, and
Trial and Find Excludable Delay**

The parties stipulate to continue the current plea cut-off date from November 16, 2021 (rescheduled by the Court from October 27, 2021), to January 4, 2022, at 4:00PM; and the trial date indefinitely, to a date to be later determined by the Court. The parties further stipulate, and jointly move for the Court to find, that the time period between the prior plea cut-off date of November 16, 2021, the new date of January 4, 2022, qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the ends of justice served by the granting of the this continuance outweigh the best interests of the public and the defendant in a speedy trial. The parties' reasons for the continuance and for a finding of excludable delay are as follows:

- The parties are presently engaged in plea negotiations and defense counsel has requested additional time to review discovery with his client and determine whether the government's pending Rule 11 plea offer is in the defendant's best interest.
- As a result, failure to grant a continuance could lead to the dismissal of charges and thereby make a continuation of the proceeding impossible and result in a miscarriage of justice and deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation. See 18 U.S.C. § 3161(h)(7)(B)(i), (iv).

The parties therefore request that the Court grant a continuance of the trial date and the plea cut-off date, and further find that the delay caused by this continuance should be deemed excludable time under 18 U.S.C. § 3161(h)(7)(A) because the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Respectfully submitted,

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United States District Court
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United States of America,

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**Order Continuing the
Plea Cut-off, and
Trial and Finding Excludable Delay**

The Court has considered the parties' stipulation and joint motion to continue the trial and the plea cut-off date and for a finding that the time period from the November 16, 2021, plea cutoff date to the January 4, 2022, plea cutoff date qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7). For the reasons described in the parties' submission, and after considering the factors listed in § 3161(h)(7)(B), the Court finds that the ends of justice served by granting the parties' requested continuance outweigh the best interests of the public and the defendant in a speedy trial and that the time from the November 16, 2021, plea cutoff date to the January 4, 2022, plea cutoff date qualifies as excludable delay under § 3161(h)(7).

Specifically, the Court finds that:

- The parties are presently engaged in plea negotiations and defense counsel has requested additional time to review discovery with his client and determine whether the government's pending Rule 11 plea offer is in the defendant's best interest.
- As a result, failure to grant a continuance could lead to the dismissal of charges and thereby make a continuation of the proceeding impossible and result in a miscarriage of justice and deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation. See 18 U.S.C. § 3161(h)(7)(B)(i), (iv).

IT IS THEREFORE ORDERED that the time from the November 16, 2021, plea cutoff date to the January 4, 2022, plea cutoff date shall constitute excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS FURTHER ORDERED that the trial in this case will be continued indefinitely. The parties are ordered to inform the Court promptly when and if the circumstances that justify the continuance no longer exist.

s/Arthur J. Tarnow
Honorable Arthur J. Tarnow
United States District Judge

Entered: November 17, 2021